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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 26 2003

In re application of : Jackowski et al.  
Serial No. : 09/845,726  
Filed : April 30, 2001  
For : **Biopolymer Marker Indicative  
Of Disease State Having A  
Molecular Weight of 1424  
Daltons**  
Examiner : Nguyen, Bao-Thuy L.  
Art Unit : 1641  
Our File No. : 2132.033

TECH CENTER 1600/2900

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being  
deposited with the U.S. Postal Service as First Class mail  
in an envelope addressed to Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450 on 6-19-03

*Susan Hess*

To: Mail Stop: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132

I, Ferris H. Lander, do hereby declare as follows:

1. I am a registered Patent Agent and am authorized to  
represent the inventor's and assignee in the application  
entitled "**Biopolymer Marker Indicative Of Disease State Having A  
Molecular Weight of 1424 Daltons**", having U.S. Application  
Serial No. 09/845,726, filed April 30, 2001.

2. In order to provide data which would obviate any  
rejection/objection regarding completeness of the disclosure, I  
contacted Dr. George Jackowski, Chairman and Chief Science

Officer of Syn-x Pharma Inc., and asked to be provided with evidence of the absence of the 1424 dalton marker (amino acid residues 2-12 of SEQ ID NO:1) in normal human sera.

3. This declaration (including the attached figure) is provided in order to show a comparison of the indicated disease marker (the 1424 dalton marker; amino acid residues 2-12 of SEQ ID NO:1) to a normal/control group, so as to evidence that the marker is not present in normal human sera.

4. The attached figure, obtained from Dr. Jackowski, provides side-by-side profiles (obtained using techniques of mass spectrometry) of normal human sera versus sera from congestive heart failure patients. This profile comparison clearly evidences the absence of the 1424 dalton marker (amino acid residues 2-12 of SEQ ID NO:1) in normal human sera.

*Signature of Dr. Jackowski*

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

6-19-2003  
Date

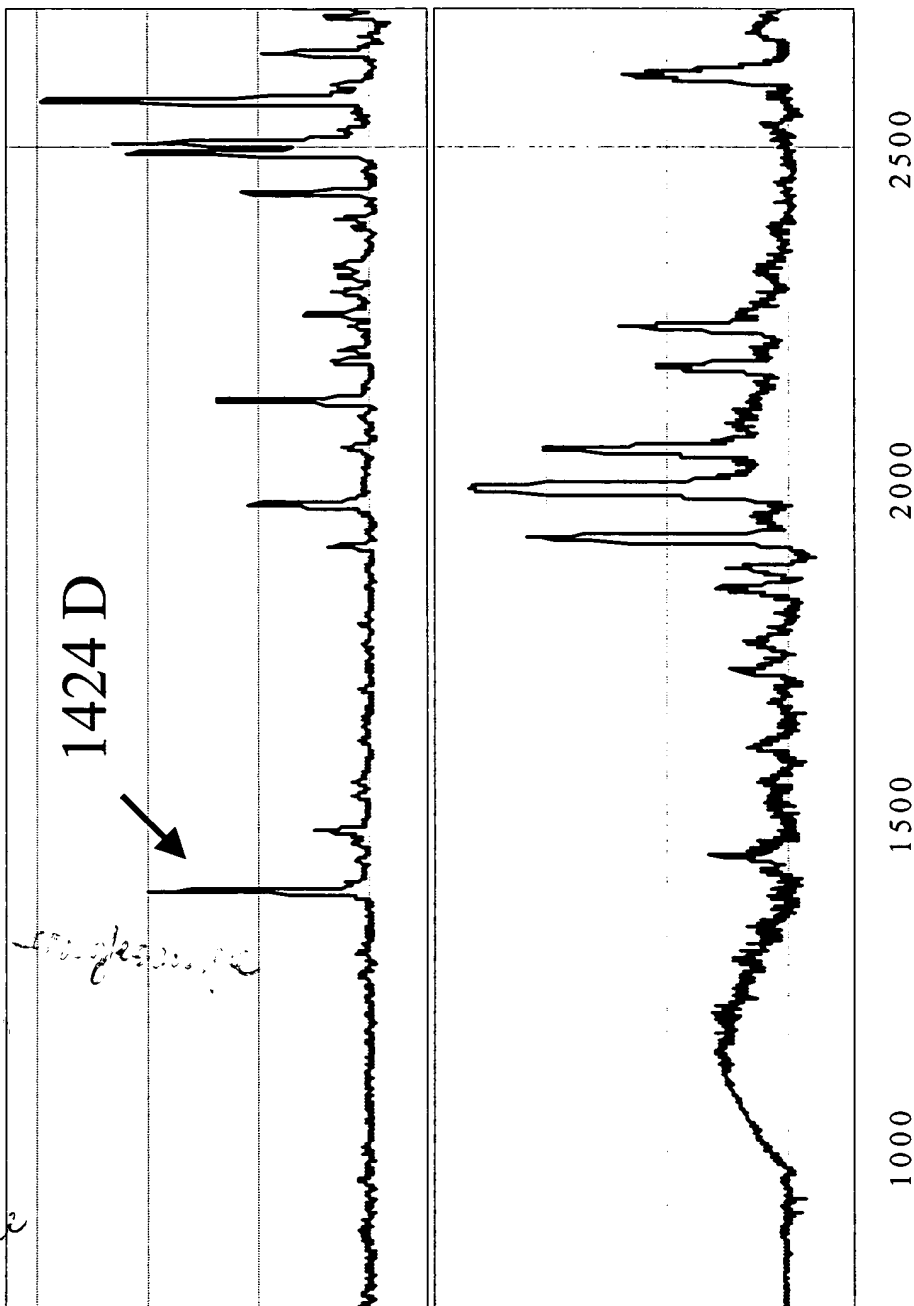
Ferris H. Lander  
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Reg. No. 43,377

\\Ns2\DRV\_E\STAFF DATA FILES\Ferris Lander's Files\FL\AMENDMNT.PAT\2132\_033.132.wpd



CHF

NHS



statistically insignificant, can't draw any conclusion from this data is reproducible or accurate

study parameters: temperature, other stressors

data not @ a temp.

in order to be accurate must be reproducible